

of the parent case for Miller et al. (WO 00/40794), thereby removing Miller et al as a reference, and overcoming the rejections in view of Miller et al.

Schult

Claims 8-10, 53 and 55 were also rejected under 35 U.S.C. 103(a) as being unpatentable over Schult (U.S. 4,911,975) in view of Yap et al (6,037,398) and Wilkes (4,609,696). Schult discloses a roof covering including a support layer 1 which can be a nonwoven fiber mat. The roof covering also includes a cover layer 4 of a light-colored polyolefin material on the upper side of the support layer. The light-colored material is capable of highly reflecting incident solar radiation so that the life of the roof covering is increased without the inclusion of a gravel covering. The roof covering also includes a lower sealing layer 2 having a black color. The lower sealing layer contains bitumen, polymer and filler (e.g., 40-60% bitumen, 15-50% polyolefin and 10-20% shale meal).

The Examiner argues that Schult can be combined with Yap et al to include an asphalt-based top coating at lower cost than Schult. The Examiner further argues that Wilkes et al may be used to suggest that either solvent or hot melt based forms of asphalt may be applied depending on process application location and conditions.

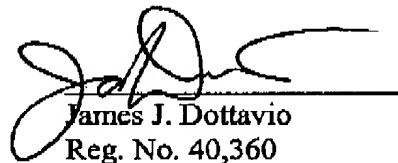
Applicant respectfully traverses this rejection for the following reasons. First, the Examiner fails to demonstrate where any of the references, alone or in combination, show the bottom coating of Shult fails to pass the 60 day weathering performance test, as claimed by Applicant. Therefore, the Examiner fails to provide a prima facie rejection under 35 USC 103(a), as not all claimed limitations are taught or suggested.

Secondly, Applicants respectfully submit that the proposed combination is improper – as Wilkes is nonanalogous art; i.e. Wilkes describes paving and not roofing; and further Wilkes does not teach or suggest interchangeability of solvent-based, versus hot-melt asphalt formulations in roofing applications, as set forth by the Examiner. Instead, Wilkes describes difficulty working with lowering

viscosity in paving using heating (thereby teaching away from heating asphalt), and therefore teaches away from the combination suggested by the Examiner, as Wilkes teaches the use of water-based emulsions instead of heating. Accordingly, there is no motivation to make the combination asserted by the Examiner.

If any questions should arise with respect to the remarks, or if it would in any way expedite the prosecution of this case, it is requested that the Examiner contact Applicants' attorney at the number listed below. If any fees are due in connection with the filing of this response, including any fee for a required extension of time under 37 CFR 1.136(a) for which Applicant hereby petitions, please charge all necessary fees to deposit account no. 50-0568.

Respectfully submitted,



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